

**REMARKS**

Claims 1-53 are pending in this application. By this Amendment, claims 1, 27 and 47-49 are amended, and claims 50-53 are added. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

**I. Personal Interview**

The courtesies extended to Applicants' representative by Examiner Bowers at the interview held January 20, 2010 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

**II. Rejoinder**

Applicants respectfully request rejoinder of claims 27-46 when independent claim 1 is found allowable. Rejoinder of process claims is proper when the process claims either depend from or require all of the limitations of an allowable product claim. (*See* MPEP §821.04(b)). For example, independent process claim 27 recites all of the limitations of the apparatus of claim 1, and thus should be rejoined upon allowance of claim 1.

**III. Rejections Under 35 U.S.C. §103**

The Office Action rejects claims 1-3, 7, 8, 11-22, 26, and 47-49 under 35 U.S.C. §103(a) as having been obvious over the combination of U.S. Patent No. 5,285,657 to Bacchi et al. ("Bacchi") and U.S. Patent Application Publication No. 2008/0032398 to Cannon et al. ("Cannon"). Applicants respectfully traverse the rejection.

By this Amendment, independent claim 1 is amended to recite "wherein the tube frame is adjacent to the portable housing at at least one of the predetermined positions." Independent claim 47 is amended to recite a similar feature. The applied references fail to disclose, or to have rendered obvious, these features.

As discussed during the personal interview, Bacchi discloses a pipe 661 entering the transporting vessel 63 at peripheral notch 634, and a pipe 662 (mistyped as [62] in col. 6, line 36 of Bacchi) entering the transporting vessel 63 at nozzle 631. The pipe 661 connects the top of the transporting vessel 63 and dispensing unit 65 to reservoir bag 61 holding physiological fluid L. The reservoir bag 61 is suspended from or otherwise fixed to the holder 600 (see Bacchi's col. 8, lines 1-11). One of ordinary skill in the art would have understood from the disclosure of Bacchi that this arrangement of parts is necessary to facilitate perfusion of the organ O in the transporting vessel 63 with the physiological fluid L from the reservoir bag 61. The pipe 662 connects the bottom of the transporting vessel 63 to collector bag 62. The collector bag 62 rests, or is otherwise held, on the bottom of the holder 600 (see Bacchi's col. 8, lines 1-7). One of ordinary skill in the art would have understood from the disclosure of Bacchi that this arrangement of parts is necessary to facilitate the removal of used physiological fluid L from the bottom of the transporting vessel 63 to the collector bag 62.

The Office Action acknowledges that Bacchi fails to disclose the predetermined positions of claim 1. Thus, Bacchi fails to disclose that the tube frame is adjacent to the portable housing at at least one of the predetermined positions.

Furthermore, as tentatively agreed during the personal interview, neither Bacchi nor Cannon would have reasonably suggested the above-mentioned features because modifying the apparatus of Bacchi to relocate the openings of the transporting vessel 63 to be adjacent to transporting assembly 60 is a substantial modification that would improperly change the principle mode of operation of Bacchi. (*See MPEP §2143.01*). In other words, Bacchi's apparatus is not intended to be modified to move the openings of the transporting vessel 63 to be adjacent to the transporting assembly 60 at at least one of the predetermined positions because doing so would alter the way in which Bacchi's various pipes connect transporting

vessel 63, and therefore change the flow of the fluid through the pipes. Therefore, the suggested modification of Bacchi is improper.

Thus, the combination of Bacchi and Cannon would not have rendered obvious independent claims 1 and 47. Claims 2, 3, 7, 8, 11-22 and 26 variously depend from claim 1 and, thus, would also not have been rendered obvious by the combination of applied references for at least the same reasons. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

The Office Action also rejects claims 4 and 5 under 35 U.S.C. §103(a) as having been obvious over the combination of Bacchi, Cannon, and U.S. Patent No. 6,046,046 to Hassanein ("Hassanein"); claims 6 and 23-25 under 35 U.S.C. §103(a) as having been obvious over the combination of Bacchi, Cannon, and U.S. Patent No. 5,586,438 to Fahy ("Fahy"); and claims 9 and 10 under 35 U.S.C. §103(a) as having been obvious over the combination of Bacchi, Cannon and U.S. Patent No. 4,186,565 to Toledo-Pereyra. Applicants respectfully traverse the rejections.

Hassanein, Fahy and Toledo-Pereyra fail to overcome the deficiencies of Bacchi as discussed above with regard to independent claims 1 and 47. Claims 4-6, 9, 10 and 23-25 variously depend from claim 1 and, thus, would also not have been rendered obvious by the combination of applied references for at least the same reasons. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Claims 50-53 are patentable by reason of their dependency from independent claims 1 and 47, as well as for the additional features they recite.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:SDJ/crh

Attachments:

Request for Continued Examination  
Petition for Extension of Time  
Amendment Transmittal

Date: March 19, 2010

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